

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

HOLLY BENNETT,
Plaintiff,

vs.

CASE NO. 8:13-CIV-684-T-17-TGW

TIME CUSTOMER SERVICE, INC.,
Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION

This cause is before the Court on the report and recommendation (R&R) issued by Magistrate Judge Thomas G. Wilson on March 28, 2013 (Doc. 5). The magistrate judge recommended that the Court dismiss the complaint for lack of jurisdiction.

Pursuant to Rule 6.02, Rules of the United States District Court for the Middle District of Florida, the parties had fourteen (14) days after service to file written objections to the proposed findings and recommendations, or be barred from attacking the factual findings on appeal. No timely objections to the report and recommendation were filed.

STANDARD OF REVIEW


When a party makes a timely and specific objection to a finding of fact in the report and recommendation, the district court should make a de novo review of the record with respect to that factual issue. 28 U.S.C. § 636(b)(1); **U.S. v. Raddatz**, 447 U.S. 667 (1980); **Jeffrey S. v. State Board of Education of State of Georgia**, 896 f.2d 507 (11th Cir. 1990). However, when no timely and specific objections are filed, case law indicates that the court should review the findings using a clearly erroneous standard. **Gropp v. United Airlines**,

Inc., 817 F.Supp. 1558, 1562 (M.D. Fla. 1993).

The Court has reviewed the report and recommendation and made an independent review of the record. Upon due consideration, the Court concurs with the report and recommendation. Accordingly, it is

ORDERED that the report and recommendation (Doc. 5) be **adopted** and **incorporated by reference** and the complaint in this case be dismissed. The plaintiff shall have up to and including May 17, 2013 to file an amended complaint or this case will be dismissed with prejudice.

DONE and ORDERED in Chambers, in Tampa, Florida, this 18th day of April, 2013.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to:
All parties and counsel of record
Assigned Magistrate Judge